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10/608,587	06/27/2003	James M. Sweet	D/A2555	8422

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EXAMINER

HILLERY, NATHAN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,587

Applicant(s)

SWEET ET AL.

Examiner

Nathan Hillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 12/14/05.
2. Claims 1 – 37 are pending in the case. Claims 1, 16 and 27 are independent.
3. The objection to the Drawings has been withdrawn as necessitated by amendment.
4. The rejection of claims 1 – 37 under judicially created doctrine of double patenting has been withdrawn as necessitated by a Terminal Disclaimer.
5. The rejection of claims 1 – 13, 16 – 31, 36, and 37 under 35 U.S.C. 102(b) as being anticipatory has been withdrawn as necessitated by amendment.
6. The rejection of claims 14, 15 and 32 – 35 under 35 U.S.C. 103(a) as being unpatentable has been maintained.

Terminal Disclaimer

7. The terminal disclaimer filed on 12/14/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/108590 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1 – 37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are simply methodologies for assembling data and thus do not produce a concrete, useful, and tangible result.

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10. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1 – 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. The term "potentially" in claim 1 is a relative term which renders the claim indefinite. The term "potentially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the metes and bounds of "linking to a candidate document page potentially part of the hyperdocument" are unclear.

14. The term "typical" in claim 1 is a relative term which renders the claim indefinite. The term "typical" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the metes and bounds of "not characteristic of typical intra-document links" are unclear.

15. The term "typical" in claim 16 is a relative term which renders the claim indefinite. The term "typical" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the metes and bounds of "not characteristic of typical intra-document links" are unclear.

16. The term "typical" in claim 27 is a relative term which renders the claim indefinite. The term "typical" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Consequently, the metes and bounds of "not characteristic of typical intra-document links" are unclear.

17. Regarding dependent claims 2 – 15, 17 – 26 and 28 – 37, the claims are rejected for fully incorporated the deficiencies of the base claim(s) from which they depend.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1 – 6, 10 – 13, 16 – 20, 25 – 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat et al. (6112203) and further in view of Earl (5924104).

20. **Regarding independent claim 27,**

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a. Bharat et al. teach that we *locate pages that point to at least one of the pages in the start set 201. We call this set of pages the back set 202. With the AltaVista search engine, "link:URL" queries can be used to identify back set pages for each start set page. We add one node 212 to the n-graph 211 for each page of the back set 202. Similarly, the pages pointed to by the start set 201 are located. This can be done by fetching each start set page and extracting the hyperlinks in each of the pages. The pages pointed to by the hyperlinks constitute the forward set 203. Nodes for the forward set of pages are also added to the n-graph 211. Thus, the input set of pages 204 includes the back, start, and forward sets 201-203. The input set 204 includes pages which do not directly satisfy the query, i.e., pages that do not include key words exactly as specified in the query. However, these pages may be useful because they are linked to pages of the start set. A larger n-graph 211 can be constructed by repeating this process for the back and forward sets 202-203 to add more indirectly linked pages. At this stage, the n-graph 211 has nodes 212 but no edges. After we have constructed the nodes 212, we add the directed edges 213. If a link points to a page that is represented by a node in the graph, and both pages are on different servers, then a corresponding edge 213 is added to the graph 211. Nodes representing pages on the same server are not linked. This prevents a single Web site with many self-referencing pages to unduly influence the outcome. This completes the n-graph 211 (Column 4, line 61 – Column 5, line 20), compare with **performing a page-level link analysis that***

identifies those hyperlinks on a page linking to a candidate document page further comprising a methodology of: identifying possible progression links; identifying possible table of content links, and; examining the possible progression links and the possible table of content links for common characteristics; and, performing a recursive application of the page-level link analysis to the linked candidate document page and any further nested candidate document pages thereby identified, until a collective set of identified candidate document pages is assembled.

b. Bharat et al. do not explicitly teach **examining the collective set of identified candidate document pages to weed out links which have properties that are not characteristic of typical intra-document links, to provide a resultant set of identified candidate document pages; and grouping the content found in the resultant set of candidate document pages into a document representation for subsequent viewing or printing of the given hyperdocument.**

c. However, Earl teaches that *a link display manager 300 is illustrated in functional block diagram form. The link display manager 300 includes a user input processor 302 for processing user link selections as indicated at lines labeled MOVING WITHIN CURRENT DOCUMENT and SELECTING NEW DOCUMENT. The link display manager 300 includes a document parser 304 for parsing each document and identifying links 202 and 204 and a display system for defining predetermined screen element properties providing visual cues for*

distinguishing the identified links 202 and 204. When a user provides an input link selection to select a new document, the document parser 304 parses the selected new document to identify intradocument links 202 and interdocument links 204. The display system 306 processes the identified intradocument links 202 and interdocument links 204 for displaying distinctively the intradocument links 202 and interdocument links 204 with predetermined visual cues to differentiate the links 202, 204 (Column 2, line 59 – Column 3, line 9), compare with performing a document-level analysis that examines the collective set of identified candidate document pages for grouping into one or more documents; examining the collective set of identified candidate document pages to weed out links which have properties that are not characteristic of typical intra-document links, to provide a resultant set of identified candidate document pages; and grouping the content found in the resultant set of candidate document pages into a document representation for subsequent viewing or printing of the given hyperdocument.

d. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Bharat et al. with that of Earl because such a combination would provide the users of Bharat et al. with *an improved method and apparatus for displaying links on a user display interface in a computer system* (Column 1, lines 39 – 41).

21. **Regarding dependent claims 28 – 31**, Bharat et al. teach that *the nodes in the start set are first scored according to their connectivity, and the number of terms of the*

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query that appear as unique sub-strings in the URL of the represented documents. The score is a weighted sum of the number of directed edges to and from a node and the number of unique sub-strings of the URL that match a query term (Column 3, lines 10 – 15), compare with the page-level link analysis includes examination of contextual clues, the contextual clue is a particular class of content item associated with the hyperlink, the class of content item is a class of text, the class of text is a directional word or phrase.

22. **Regarding dependent claims 36 and 37**, Bharat et al. teach that we assign a similarity weight to each node 213 of the sub-graph 255. Various document similarity measuring techniques have been developed in Information Retrieval to determine the goodness of fit between a "target" document and a collection of documents. These techniques typically measure a similarity score based on word frequencies in the collection and a target document (Column 6, lines 51 – 57), and that we use a modified Kleinberg algorithm on the nodes of the pruned n-graph 265 to determine useful hub and authority pages. For each node of the pruned n-graph 265, we measure two scores: a hub score (HS), which estimates how good a hub the page is, and an authority score (AS), which estimates how good an authority the page is. The intuition behind our method is this: a good hub is one that points to many documents. A good authority is one that is pointed to by many documents. Transitively, an even better hub is one that points to many good authorities, and an even better authority is one that is pointed to by many good hubs (Column 7, lines 41 – 50), compare with **the page-level analysis includes determining the similarity of the hyperlink destination to that of**

other hyperlinks within the page, and the page-level analysis includes determining the similarity of the hyperlink destination to the location of the current page.

23. **Regarding claims 1 – 6 and 10 – 13**, the claims incorporate substantially similar subject matter as claims 27 – 31, 36 and 37 and are rejected along the same rationale.

24. **Regarding claims 16 – 20, 25 and 26**, the claims incorporate substantially similar subject matter as claims 27 – 31, 36 and 37 and are rejected along the same rationale.

25. Claims 7 – 9, 14, 15, 21 – 24, and 32 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat et al. (US 6112203 A) and Earl (5924104) as applied to claims 1 – 6, 10 – 13, 16 – 20, 25 – 31, 36, and 37 above, and further in view of Prince (US 6877002 B2).

26. **Regarding dependent claims 32 – 35**, neither Bharat et al. nor Earl explicitly teach **the class of content item is a class of image, the class of image is an image containing a directional symbol, a textual clue is obtained for the image, the identifying of table of content links includes the presence of at least one other hyperlink nearby with the page description**. However, Prince teaches that *the parsed results (from step 42 in FIG. 4) relating to the media are passed to extraction agent 68 via an extraction queue 67. Results not associated with the media are not pursued. The extraction queue 67 comprises URLs to be analyzed with respect to associated media metadata. The extraction queue 67 may comprise metadata queue entries such*

as media URLs, Web page URLs, Web page titles, Web page keywords, Web page descriptions, media title, media author, and media genre. Each queue entry added to the extraction queue is assigned a processing time and a priority. In an exemplary embodiment of the invention, each queue entry is given a processing time of "now" and the same default priority. The iterative seeding process increases the number of queue entries added to the extraction queue 67 (Column 7, lines 23 – 37), compare with the class of content item is a class of image, the class of image is an image containing a directional symbol, a textual clue is obtained for the image, the identifying of table of content links includes the presence of at least one other hyperlink nearby with the page description. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Bharat et al. and Earl with that of Prince because such a combination would allow the users of Bharat et al. and Earl the benefit of *A method for querying metadata associated with media on a computer network includes separating the metadata into keywords* (Column 2, lines 37 – 39).

27. **Regarding claims 7 – 9, 14 and 21 – 24**, the claims incorporate substantially similar subject matter as claims 32 – 35 and are rejected along the same rationale.

28. **Regarding claim 15**, Bharat et al. teach that *we assign a similarity weight to each node 213 of the sub-graph 255. Various document similarity measuring techniques have been developed in Information Retrieval to determine the goodness of fit between a "target" document and a collection of documents. These techniques typically measure a similarity score based on word frequencies in the collection and a*

target document (Column 6, lines 51 – 57), and that we use a modified Kleinberg algorithm on the nodes of the pruned n-graph 265 to determine useful hub and authority pages. For each node of the pruned n-graph 265, we measure two scores: a hub score (HS), which estimates how good a hub the page is, and an authority score (AS), which estimates how good an authority the page is. The intuition behind our method is this: a good hub is one that points to many documents. A good authority is one that is pointed to by many documents. Transitively, an even better hub is one that points to many good authorities, and an even better authority is one that is pointed to by many good hubs (Column 7, lines 41 – 50), compare with the page-level analysis includes determining the similarity of the hyperlink destination to that of other hyperlinks within the page.

Response to Arguments

29. Applicant's arguments with respect to claims 1 – 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Doug Hutton
Primary Examiner
Art Unit 2176

